

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: November 5, 2002  
Commission Action:



## Item Tu15g

### **STAFF REPORT: APPEAL** **DE NOVO COASTAL DEVELOPMENT PERMIT**

**APPEAL NUMBER:** A-5-MNB-02-257

**CO-APPLICANTS:** City of Manhattan Beach & Tolkin Group

**AGENT:** Richard Thompson, Director of Community Development

**PROJECT LOCATION:** 1200 Morningside Dr., City of Manhattan Beach, Los Angeles Co.

**PROJECT DESCRIPTION:** Construction of a two-level 460-space public subterranean parking structure, 63,850 square feet of new two-story commercial development, and 40,000 square feet of grade-level public areas including a Town Square, at the Metlox site.

Lot Area	3 acres (approx. 130,680 sq. ft.)
Building Coverage	3 acres (subterranean garage)
Landscape Coverage	40,000 sq. ft. paved (Town Square)
Parking Spaces	460 in subterranean garage
Zoning	CD
Plan Designation	Downtown Commercial District
Ht above final grade	30 feet/Two-story maximum

### **SUMMARY OF STAFF RECOMMENDATION**

The proposed project is located in the City of Manhattan Beach, a local jurisdiction that issues local coastal development permits pursuant to the certified City of Manhattan Beach Local Coastal Program (LCP). The proposed development has been brought to the Commission on appeal of a local coastal development permit by nature of the proposed subterranean garage being a major public works facility that falls within the Commission's appeal jurisdiction. The appellants assert that the proposed development will worsen the City's parking and traffic problems. On September 9, 2002, the Commission found that a substantial issue exists in regards to the appeals.

Staff recommends that the Commission grant a de novo permit for the proposed development with conditions to limit the height of the development, protect public access to the proposed public parking facility, provide an interim parking supply during construction, and to prevent adverse impacts to water quality and marine resources. As conditioned, the proposed project would increase the public parking supply for the Downtown area, which often does not have sufficient parking supplies to meet parking demands during the peak beach-use season (See Exhibit #18, p.2). The applicant objects to the two-story limit (See Page 14). Please see **Page Two for the motion** and resolution necessary to carry out the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Manhattan Beach Certified Local Coastal Program (LCP).
2. Local Coastal Development Permit No. CA 02-21 (Metlox Development).
3. Local Coastal Development Permit No. CA 02-01 (Civic Center/Public Safety).
4. Local Coastal Development Permit No. CA 98-15 (Lot M Parking).
5. Substantial Issue Findings for Appeal No. A5-MNB-02-257, Commission Staff Report dated August 28, 2002.
6. Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit A-5-MNB-02-257 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Manhattan Beach Local Coastal Program and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Permit Compliance**

Coastal Development Permit A-5-MNB-02-257 permits the construction of a two-level, 460-space (approximate) public subterranean parking structure, 63,850 square feet of new two-story commercial development (including a 35-40 room inn), and 40,000 square feet of open public areas including a Town Square. Any proposed change in use, change in management of the parking facility, use of the parking to satisfy the parking requirements of new development or future commercial intensification, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

#### **2. Local Government Approval**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Manhattan Beach Master Use Permits approved pursuant to City Council Resolution Nos. 5770 and 5771. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-MNB-02-257 shall prevail.

#### **3. Building Height**

The proposed development is limited to a maximum of two-stories above the elevation of the existing grade, and shall not exceed a height of thirty feet (30') as measured from the average elevation of existing grade pursuant to Section A.60.050 of the Manhattan Beach certified LCP implementing ordinances.

#### **4. On-site Parking Supply**

All parking stalls within the proposed 460-space subterranean public parking structure shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded).

## 5. Parking Management

The proposed 460-space subterranean public parking facility shall be managed as follows. Any proposed change to the parking facility management or parking fees shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

- A. Parking Fee: A parking fee may be charged for use of the subterranean public parking facility. Such fee may be collected at the facility by parking meters, automated ticket machines, or by parking attendants. Identical parking rates shall be available to all users of the facility, except that customers of the inn may be granted free or validated parking during their entire stay in the inn as part of the inn customers' paid accommodations. The fee charged for public parking shall be consistent with the hourly rates charged for parking in the downtown area, which is approved to range from \$0.50 to \$1.00 per hour. A flat rate fee for all day parking shall not exceed \$10.00.
- B. Parking Permits: The general public shall have equal opportunity to participate in any parking permit system implemented in the subterranean public parking facility. No parking spaces shall be reserved for permit or hangtag holders. The City's issuance and use of any parking hangtags or parking permit system in the subterranean public parking facility shall be consistent with Sections A.64.060 and A.64.230 of the Manhattan Beach certified LCP implementing ordinances, and the conditions of this coastal development permit.
- C. Vehicle Storage: No vehicle shall be parked within the subterranean public parking facility for longer than 24 hours at one time, except by customers of the inn during their paid visit.
- D. Parking for Inn Customers: Special hangtags or permits shall be available to customers of the inn which allow the inn customers to keep their vehicles in the subterranean public parking facility throughout their paid visit, including overnight parking.
- E. Validation Programs. As noted above, customers of the inn may be granted free or validated parking throughout their entire stay in the inn as part of their paid accommodations. No other parking validation program is permitted by this action. Any future proposal for a parking validation program in the facility (except by customers of the inn) shall be submitted to the Commission as an amendment to this coastal development permit along with provisions to ensure consistency with the terms of this coastal development permit and the certified Manhattan Beach LCP.
- F. Overnight Parking: Any proposed plan for overnight use of the subterranean public parking facility (except by customers of the inn) shall be submitted for the review and approval of the Executive Director. Such plan shall include

appropriate enforcement mechanisms that will ensure that an adequate public parking supply will be available to meet the demands for parking during daytime and evening hours. In addition to the requirements noted above, overnight parkers shall be required to remove their vehicle from the facility each morning. The permittee shall allow overnight parking only in accordance with the plan approved by the Executive Director pursuant to this condition.

- G. Valet Parking: Any proposed plan for valet parking within the subterranean public parking facility shall be submitted for the review and approval of the Executive Director. Such plan shall not interfere with the general public's ability to self-park in the facility, and shall not grant any preference to the valet service. Any approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers). The hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program. Discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system. The permittee shall allow valet parking only in accordance with the plan approved by the Executive Director pursuant to this condition.

6. Signage

Signage shall be provided, consistent with the City's downtown parking program, to direct the public to the subterranean public parking facility. The signage shall be visible from vehicles on Manhattan Beach Boulevard, Highland Avenue and Valley Drive; and shall clearly state "Public Parking."

7. Interim Parking Programs

- A. Prior to displacement of the existing surface parking on the project site (Lot M), the applicant shall submit an interim public parking plan, for the review and approval of the Executive Director, which provides temporary replacement public parking spaces to replace all of the public parking spaces that would be displaced by the proposed project during the peak beach use period that commences at the start of Memorial Day weekend and ends on September 30 each year. The temporary replacement parking shall be provided for public use during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) each year until such time as the proposed 460-space subterranean public parking structure is made available for use by the general public. Existing public parking facilities that are already available for public use during these time periods shall not be used to satisfy this requirement for interim parking. If the interim public parking supply is located more than one thousand feet from the project site, the applicant shall provide a public shuttle service to transport people between the interim parking supply and the downtown. Such shuttle must make at least one complete circuit each hour. The permittee shall provide the interim public parking in accordance with the plan approved by the Executive Director pursuant to this condition.
- B. The proposed 460-space subterranean public parking structure shall be available for use by the general public as soon as possible after completion of construction. The

subterranean public parking structure shall be available for use by the general public during the construction of the buildings to be located on top of the parking structure, and during construction of the Public Safety Facility.

8. Lease to Private Operators

The lease of any development approved by this coastal development permit to private operators shall explicitly include the conditions of Coastal Development Permit A5-MNB-02-257. All lessees and operators of the project site shall be subject to the terms and conditions of this coastal development permit.

9. Protection of Water Quality – During Construction

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The plan shall include the following requirements:

- (i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
- (ii) Any and all debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed or contained and secured from work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (iii) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean.
- (iv) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.

- (v) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

- (i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- (ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
- (iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.
- (v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
- (vi) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the demolition and construction operations. The BMPs shall be maintained throughout the development process.

C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Protection of Water Quality – Project Design & Post Construction

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The WQMP shall be in substantial conformance with the following requirements:

A. Water Quality Goals.

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site, without the construction of drain outlets onto the sandy beach.
- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Parking Areas, Vehicle and Equipment Service and Maintenance Areas

- (i) The WQMP shall provide for the treatment of runoff from parking areas using appropriate structural BMPs, unless the drainage is directed into the sanitary sewer system. At a minimum this must include a bioswale and/or filter designed specifically to remove vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, floatables and particulate debris.
- (ii) The applicant shall ensure regular sweeping of all parking area surfaces using an appropriate mechanical sweeper and shall, at a minimum, sweep all parking areas on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces.
- (iii) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be used.



- (iv) The applicant shall not spray down or wash down the parking areas unless the water used is directed through the sanitary sewer system or a filtered drain.
- (v) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.

#### C. Restaurants and Kiosks

- (i) Each restaurant shall have a wash down area for restaurant equipment and accessories which shall be designed as follows: a) Designate equipment-cleaning areas indoors, and install berms to direct all runoff to the sewer system; or, if equipment cleaning areas are to be located outdoors, all wash-down areas shall be routed to the sanitary sewer system and shall not contribute to polluted runoff or nuisance flows; b) Prohibit the cleaning of equipment in any area where water may flow to a street, gutter, creek, or storm drains; and, c) Minimize to the maximum extent practicable the amount of wash water used.
- (ii) The above restriction on restaurants and kiosks shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

#### D. Education and Training

- (i) Provide annual training of employees on chemical management and proper methods of handling and disposal of waste. Make sure all employees understand the on-site BMPs and their maintenance requirements.
- (ii) Provide informational signs around the establishment for customers and employees about water quality and the BMPs used on-site.
- (iii) Label/stencil outdoor drains to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer as appropriate.

#### E. Landscaping. Minimize to the maximum extent practicable the use of pesticides and fertilizers.

#### F. Monitoring and Maintenance

- (i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15<sup>th</sup> each year; 2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, 3) at least twice during the dry season (between April 16 and October 14 of every year).
- (ii) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

- (iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The proposed development, referred to as the Metlox Development Project, includes a two-level subterranean parking structure with approximately 460 parking spaces<sup>1</sup> (all available for public use), and 63,850 square feet of new two-story commercial development built on top of the proposed parking structure (Exhibit #4). The proposed commercial development would be within five proposed two-story buildings constructed around a 40,000 square foot open public area, which includes a new Town Square (Exhibit #3). The proposed site plan identifies parts of the outdoor public area next to the Town Square being used for outdoor patio dining (Exhibit #3).

One of the five proposed commercial buildings on the site is a two-story, 26,000 square foot inn that would contain 35 to 40 guest rooms. The inn's proposed height is 26 feet, except for a proposed tower on the northern corner of the project site and other architectural features that would reach thirty feet above street elevation (Exhibit #4). The other four proposed two-story commercial structures are also 26 feet in height, with thirty-foot high architectural features (Exhibit #4).

The proposed commercial development on the site, as proposed and as conditioned by the City's approved Master Use Permit (City Council Resolution No. 5770), is limited to specific types of uses and specific maximum coverage areas for each type of use. The proposed project includes a maximum of 20,000 square feet of retail sales and service uses (including food sales), two restaurants with a maximum area of 8,000 square feet (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors), a maximum of 17,500 square feet of office space and personal service uses (office uses are restricted to the second floors), and a 26,000 square foot inn with 35 to 40 guest rooms. The total maximum area of all the proposed commercial uses cannot exceed 63,850 square feet. These land use and area limits are contained in the Land Use Conditions of City Council

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<sup>1</sup> The City has included an abutting property (1148 Morningside Drive) into the project site, which would allow the parking structure to be built with 460 parking spaces, rather than the 430 spaces that were originally anticipated.

Resolution No. 5770, and are included as part of the project description. The City's Land Use Conditions state:

**Land Use**

25. *The following land uses and maximum square footages, as defined and approved by the DDA/Ground Lease, and shall allowed:*

- A) *Retail Sales and services, including food service uses, 20,000 square feet total maximum, including:*
  - a) *Retail sales;*
  - b) *Personal Services;*
  - c) *Retail/specialty food service uses that are non-destination type establishments such as a bakery, tea salon, coffee house, ice cream shop, yogurt, candy, cookies, juices, and other similar limited specialty food items. Each business is limited to a maximum of 300 square feet of outdoor seating area, including table, chairs and benches, within the Town Square and Public Areas-; and,*
  - d) *Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.*
- B) *Eating and Drinking Establishments (restaurants), two (2) total maximum, 8,000 square feet total maximum, (including 6,400 square feet maximum dining/seating area regardless of whether located indoors or outdoors).*
- C) *Offices, however no offices shall be permitted on the first floor, and Personal Services, 17,500 square feet total maximum, including:*
  - a) *Offices, Business and Professional;*
  - b) *Personal Services; and,*
  - c) *Similar uses identified as permitted (by right) in the underlying zoning district (CD) which are not included in this Master Use Permit shall be left to the discretion of the Director of Community Development.*
- D) *Visitor Accommodations (Bed and Breakfast Inn), 35 to 40 rooms, 26,000 square feet total maximum.*

26. *Uses identified as conditionally permitted (use permit required) in the underlying zoning district (CD) shall require an amendment to the Master Use Permit at a duly noticed public hearing, unless otherwise permitted in this Resolution.*

27. *There shall be no drive-through service allowed in conjunction with any Eating and Drinking Establishment (restaurant) or any other use.*

28. *The Inn may provide wedding, party, and other special event services in their Courtyard, Meeting Room, and Living Room, as a secondary service to the primary Inn use. These types of events are limited to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday. Events are limited to a maximum of 60 people, or whatever the maximum occupancy is as determined by the Building or Fire Code limits, whichever is less. The Director of Community Development may approve Temporary Use Permits for events which exceed 60 people, not to exceed the maximum occupancy as allowed by the Building or Fire Code limits. Events may not use the Town Square or other Public Open Areas unless prior approval is granted by the City. The availability of the Inn for special events shall not be marketed as the primary use.*

29. *The hours of operation for the site shall be permitted as follows:*

- *Restaurant, food service, retail and personal service: Up to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday.*
- *Offices: Up to 24 hours*
- *Town Square and Public Areas: Up to 6:00 am to 11:00 p.m. Sunday through Thursday, and 6:00 am to 12:00 am (mid-night) Friday and Saturday, seasonal, depending on weather.*

30. *The second floor roof deck with the jacuzzi at the Inn shall be redesigned. The floor level of the roof deck may not exceed 21 feet in height, and the deck area must be properly screened. The deck area may only be open for use from 6:00 am to 10:00 pm, seven days per week*

31. *Any outdoor uses in the Town Square and Public Areas shall meet all access and safety requirements of the Uniform Building and Fire Codes and any other similar safety regulations. Retail and food service carts or kiosks may be allowed subject to review and approval of the City Manager. Standard liability insurance naming the City as additionally insured shall be provided and subject to approval of the Director of Community Development. Insurance shall meet approval of the City's Risk Manager and shall be as set forth in the DDA/Ground Lease (currently a minimum \$3 million insurance endorsement). Tenants with said outdoor uses shall be responsible for maintaining the area clean and free of trash and debris.*

32. *A restroom shall be available to the public at all times when the non-office uses are open to the public. Adequate signage to direct the public to the restroom(s) shall be provided throughout the Town Square and public areas, subject to review and approval of the Director of Community Development. The tenant or building owner, not the City, shall be responsible for maintaining and securing the restroom(s).*

The site of the proposed development, the three-acre former Metlox Potteries industrial site, is located on the south side of the Civic Center in Downtown Manhattan Beach, four blocks inland of the pier and beach (Exhibit #1). About half the project site is currently paved and is being used as an interim surface parking lot, with approximately 155 public parking spaces (Lot M). The abutting Civic Center property is proposed to be redeveloped with a new public safety facility approved under a separate local coastal development permit issued by the City of Manhattan Beach (Local Coastal Development Permit No. CA 02-01). Local Coastal Development Permit No. CA 02-01 also includes the City's proposed improvements to the City rights-of-way that abut the Metlox project site, including the extension of 13<sup>th</sup> Street as a two-way street from Morningside Drive east to Valley Drive, conversion of Valley Drive from one-way southbound traffic to two-way traffic between 13<sup>th</sup> and 15<sup>th</sup> Streets, and conversion of Morningside Drive to one-way northbound traffic between Manhattan Beach Boulevard and 13<sup>th</sup> Street.

The construction of the proposed commercial buildings and public areas approved by this coastal development permit is anticipated to take approximately ten months beginning in late 2003. Prior to construction of the commercial buildings and the public areas, the subterranean public parking structure will be constructed, with construction anticipated from January through October 2003.

**B. Land Use & Scale of Development - Conformity with the Local Coastal Program**

The action currently before the Commission is the de novo portion of an appeal of a local coastal development permit for development that is proposed inland of the public road nearest the sea and within the jurisdiction of the certified Manhattan Beach Local Coastal Program (LCP). Pursuant to Section 30604(b) of the Coastal Act, the Commission's standard of review for the proposed development is the certified Manhattan Beach LCP. Therefore, the Commission shall approve the de novo coastal development permit only if it finds that the proposed development, as conditioned, is in conformity with the certified Manhattan Beach LCP.

**Land Use**

The three-acre Metlox site, located four blocks inland of the pier and beach in Downtown Manhattan Beach, is designated in the certified LCP as a Downtown Commercial (CD) land use district. Section A.16.010 of the certified LCP states the purpose of the Downtown Commercial land use district. It states, in part:

**CD Downtown Commercial District.** *To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. This district is intended to accommodate a broad range of community businesses and to serve beach visitors.*

Section A.16.020 lists the types of land uses that can be permitted in the Downtown Commercial land use district. The land uses proposed for the Metlox site (commercial parking; retail sales and service uses, including food sales; restaurants; offices; personal service uses; and an inn) are allowable uses in the Downtown Commercial land use district. Therefore, the proposed public and commercial development project is an allowable use pursuant to the certified Manhattan Beach LCP.

**Scale of Development**

The existing Downtown area development, including the Civic Center and the surrounding commercial and residential uses, consists primarily of one to three-story buildings, approximately thirty feet in height. The proposed project is a two-story development (above grade), 26 feet in height, with limited architectural features up to thirty feet in height. In order to preserve the existing pedestrian oriented character of the Downtown area, the certified LCP contains the following policies regarding the scale of commercial development.

***POLICY II.A.2:*** *Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.*

[See Exhibit #6 for Sections A.04.030, A.16.030, and A.60.050]

***POLICY II.A.3:*** *Encourage the maintenance of commercial area orientation to the pedestrian.*

Section A.16.030.G of the certified LCP, contains the specific height limit for the CD District and the Metlox project site (Exhibit #6, p.1). Section A.16.030.G states that the maximum building height on the project is 22 feet for flat roofed buildings, and thirty feet for buildings with parking structures or a pitched roof. The proposed project includes a 460-space public subterranean parking structure and also has some pitched roofs. Therefore, the proposed development has a thirty-foot height limit, with which it conforms. Special Condition Three limits the development to thirty feet as measured from the average elevation of existing grade pursuant to Section A.60.050 of the Manhattan Beach certified LCP implementing ordinances (Exhibit #6). Only as conditioned is the proposed development consistent with the Manhattan Beach certified LCP.

Special Condition Three also limits the proposed development to two-stories, as required by certified LUP Policy II.A.2 stated above. The City has indicated its intent to consider a change to the project that would allow a thirty-foot high third story on the proposed inn, and objects to the two-story limit for the following reasons: a) the development standards do not have a two-story height limit (Section A.16.030); b) a limited third story on the Inn would largely be incorporated into the allowed thirty-foot architectural features that are already shown on the plans; c) a third story would not change the visual character of the building; d) a third story portion of the project would be over a very small portion of the site, only on one building, and is consistent with the intent of the LCP; and, e) the entire site could be constructed to thirty feet but the City's approvals limited the height to 26 feet except for architectural features.

The certified LCP is clear; it limits development to a two-story maximum in order to preserve the predominant existing commercial building scale in the downtown. A two-story structure built to thirty feet would be different than a three-story building with the same thirty-foot roof height. A different type of architecture, including a flat roof, is often necessary to fit three stories into a thirty-foot high building. Two-story buildings over twenty feet high can have higher ceilings and do not necessarily have flat roofs. In fact, Section A.16.030(G) of the LCP implementing ordinances limits flat-roofed structures in the CD District to 22 feet (Exhibit #6). Furthermore, a third story on the inn would violate the provisions of the certified LCP that limit building height on the project site to thirty feet with a two-story maximum. Therefore, a third story on any building on the project site is not permitted. Approval of a third story would require an amendment to the certified LCP before such a change could be considered as an amendment to this coastal development permit. Only as conditioned with the two-story, thirty-foot height limit is the proposed development consistent with the Manhattan Beach certified LCP.

### **C. Parking & Traffic - Conformity with the Local Coastal Program**

The following policies of the certified Manhattan Beach LCP encourage the City to concentrate and expand commercial parking opportunities, maximize the use of existing parking facilities for beach use, and to facilitate joint use of parking facilities while protecting beach parking.

***POLICY I.A.2:*** *The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.*

***POLICY II.A.6:*** *Encourage the development of adequate parking facilities for future development through ground level on-site parking or a requirement to pay the actual*

*cost of constructing sufficient parking spaces. Maximize use of existing parking facilities to meet the needs of commercial uses and coastal access.*

***POLICY I.B.7:*** *The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.*

***POLICY I.C.1:*** *The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.*

***POLICY I.C.2:*** *The City shall maximize the opportunities for using available parking for weekend beach use.*

***POLICY I.C.3:*** *The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.*

***POLICY I.C.8:*** *Use of the existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9 [Exhibit #7, p.2 of **10/23/2002 staff report**], shall be protected to provide beach parking...*

***POLICY I.C.10:*** *Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).*

***POLICY I.C.15:*** *Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.*

***POLICY I.C.16:*** *Improve information management of the off-street parking system through improved signing, graphics and public information maps.*

***POLICY I.C.17:*** *Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekends days.*

The above-stated policies protect parking the parking supply for both the Downtown Commercial District and for beachgoers. On most days of the year, there is sufficient parking for everyone and all uses in the Downtown area. During warm summer and fall days, however, there is often a shortage of available parking spaces because of the many visitors that are attracted to the shoreline and commercial district during these times (See Exhibit #18: Downtown Manhattan Beach Parking Management Report, Feb. 1998).

### **LCP Parking Requirements**

Policy II.B.5 of the certified Manhattan Beach LCP addresses the parking requirements for the development of the former Metlox site, where the proposed project is located.

***POLICY II.B.5:*** *Development of the former Metlox site shall provide the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan. All required parking shall be provided on the Metlox site.*

All of the required parking for the proposed commercial development is being provided on the project site within the proposed two-level, 460-space subterranean garage. Section A.64 of the certified LCP implementing ordinances contains several different methods for calculating the required number of parking spaces for the proposed commercial development. Using the parking requirement table contained in Section A.64.030 of the LCP implementing ordinances, the parking demand could be calculated by adding up the total parking demands of the individual uses (by floor area) proposed on the project site.

A different section, Section A.64.040, allows a reduction in the total amount of required parking (from that required by the parking table) for collective provision of parking on a site of 5,000 square feet or more that serves more than one use or site. Section A.64.040 is the section of the LCP implementing ordinances that specifically applies to a parking facility that serves more than one use or development, thus the title “*Collective Provision of Parking*.” This section is not applicable to the proposed development because the proposed development is one project on one site. Section A.64.040 is for parking that is set up to serve multiple uses that are not on the same site. Section A.64.040 states:

**A.64.040. Collective Provision of Parking.**

*Notwithstanding the provisions of Section A.64.020(E), a use permit may be approved for collective provision of parking on a site of 5,000 square feet or more that serves more than one use or site and is located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this chapter if the following findings are made:*

- A. The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and*
- B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.*

*The maximum allowable reduction in the number of spaces to be provided shall not exceed 15 percent of the sum of the number required for each use served.*

*An applicant for a use permit for collective parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.*

Note that Section A.64.040 limits the amount of the “collective parking reduction” to fifteen percent of the total number required by the parking table.

The certified LCP also allows another option for calculating the parking requirements of developments in the CD Districts, or any development that meets the provisions of Part B of Section A.64.050 below. This provision of the LCP allows for a reduction in the amount of required parking below that required by the parking requirement table contained in Section A.64.030, and allows a greater reduction than allowed in the situations governed by Section



A.64.040. In order to calculate the required number of parking spaces for the proposed commercial development, the City used Section A.64.050.B of the LCP Implementing Ordinances, which states:

**A.64.050. Reduced Parking for Certain Districts and Uses.**

A. CD District. *The following parking requirements shall apply to nonresidential uses:*

1. Building Sites equal to or less than 10,000 Sq. Ft. *If the FAF is less than 1:1, no parking is required; if the FAF exceeds 1:1, only the excess floor area over the 1:1 ratio shall be considered in determining the required parking prescribed by Section A.64.030.*
2. Building Sites greater than 10,000 Sq. Ft. *The amount of required parking shall be determined by first excluding 5,000 square feet from the buildable floor area and then calculating the number of spaces prescribed by Section A.64.030.*

B. *A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section A.64.030, provided that the following findings are made:*

1. *The parking demand will be less than the requirement in Schedule A or B; and*
2. *The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.*

*In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.*

Part A of Section A.64.050 addresses parking requirements in the CD District where the proposed development is located (Exhibit #6). Part B of Section A.64.050 allows the City to approve a development with an unlimited reduction in the amount of required parking if a parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table, and if the probable long-term occupancy of the development will not generate additional parking demand. The City used Part B.

**City's Parking Analysis (Exhibit #9)**

In order to calculate the shared parking demand of the uses proposed on the Metlox project site and the Civic Center site, the City used the parking study prepared by Crain & Associates for the Civic Center/Metlox Development Project Environmental Impact Report, (See Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000). The study, which uses the hourly parking accumulation assumptions from the "Shared Parking" publication by the Urban Land Institute (ULI), estimates the peak parking demand for each hour of the day for the Civic Center and the 90,000 square feet of originally proposed commercial uses on the Metlox site (Exhibit #19). The existing and proposed Civic Center has a parking facility that is separate from the

proposed Metlox development. The peak in parking demand for the currently proposed 63,850 square feet of commercial uses, and not including the Civic Center uses, was estimated by the applicant to be 160 parking spaces. The City adopted one resolution approving the proposed commercial development (City Council Resolution No. 5770), and another resolution approving the proposed subterranean parking facility (City Council Resolution No. 5771). The City explains its analysis in a letter dated October 3, 2002 (Exhibit #9).

The sum of the parking requirements for all of the proposed commercial uses, calculated using the parking table contained in Section A.64.030 of the LCP Implementing Ordinances, would be about 300 parking spaces, depending on the ratio of the different proposed commercial uses and not including any parking for the proposed 40,000 square foot Town Square and other open areas that are not considered commercial uses. One opponent of the project, David Arias asserts that the parking table contained in Section A.64.030 requires 449 parking spaces for the proposed commercial uses (and library parking), and 597 parking spaces if the proposed 40,000 square foot Town Square and other open areas area counted (Exhibit #8, p.9).

The City did not require the proposed project to provide more spaces than the parking study determined would be necessary to meet the peak demand of the proposed commercial uses, and instead found that the proposed 460-space parking structure will provide adequate parking for the proposed 63,850 square feet of commercial uses (160 spaces), plus provide surplus public parking for merchants, employees and customers of the downtown area, plus beach goers and patrons of the County Library. The City also asserts that it has no obligation to replace the existing 155 temporary surface parking spaces on the project site (Lot M) because the City permitted the temporary parking lot only as an interim use while the development of the site was being planned and approved. Therefore, the City asserts that the proposed project with its 460-space parking garage would result in approximately 300 surplus parking spaces. The City also asserts that the combined result of the proposed development of the Metlox site and the proposed Civic Center redevelopment would be an increase of over 400 parking spaces, with the existing 501 parking spaces being replaced by 898-924 City-controlled parking spaces (Exhibit #7). The abutting Civic Center property is proposed to be redeveloped with a new public safety facility approved under a separate local coastal development permit (Local Coastal Development Permit No. CA 02-01). The City states that the permanent parking for the County Library and the replacement parking for Lot 5 will be provided on the Civic Center site, and the Metlox site would only provide temporary parking for the library and Civic Center uses while the Civic Center site is being redeveloped.

### **David Arias' Parking Analysis (Exhibit #8)**

David Arias, one of the three appellants, believes that the City erred in its analysis and justification of its "shared parking reduction" and asserts that the proposed development will worsen the City's downtown parking problems (Exhibit #8). He asserts that the "shared parking reduction", whether granted by the City pursuant to Section A.64.050.B (City analysis) or any other section, is limited by Section A.64.040 to a maximum reduction of fifteen percent (15% from that required by the parking table). Using his calculations, the LCP parking table requires 597 parking spaces for the proposed commercial uses (including 133 spaces for the Town Square) and library patrons. With the fifteen percent reduction allowed by Section A.64.040, the commercial component generates a need of 507 parking spaces  $[597 - (0.15 \times$

597]. He adds to that the replacement of all existing parking spaces in Lot 5 and Lot M and the library's needs and a parking demand of over 700 parking spaces would be generated. Arias states that the result of the proposed development would be no parking surplus and worse parking problems in the City.

### **Staff's Parking Analysis**

The project site currently provides 155 public parking spaces in Lot M, and 15 parking spaces at 1148 Morningside Drive (Exhibit #3). All 170 of the existing parking spaces would be displaced by the proposed development, which would provide 460 public parking spaces in a two-level subterranean garage (Exhibit #5).

The proposed 460-space public parking facility, once built and opened, would be made available by the City for use by the general public, even as the proposed commercial development is being built on top of the parking structure roof. The City proposes that the subterranean public parking structure be used as the interim parking supply for the County Library and Civic Center during the proposed redevelopment of the Civic Center/Public Safety Facility.

Subsequent to the completion of the new Civic Center/Public Safety Facility and the proposed commercial uses on the Metlox site, the proposed 460-space public parking facility would provide public parking to meet the demands of the commercial uses proposed on the Metlox site, with the surplus being available to the general public (e.g. beach goers, downtown merchants, employees and customers). The permanent parking reservoir for the County Library and Civic Center uses would be provided in a new subterranean garage (approximately 311 spaces) proposed on the Civic Center site as part of the new Civic Center/Public Safety Facility. The proposed Civic Center garage would also provide the replacement parking for the 33 public parking spaces in Lot 5 that would be displaced by the Civic Center redevelopment.

Therefore, the proposed project's parking impacts that must be mitigated on the site of the proposed Metlox development are: a) the increased parking demand generated by the proposed 63,850 square feet of new commercial development, b) the 15 parking spaces at 1148 Morningside Drive that would be displaced by the proposed development; and c) the 155 public parking spaces in Lot M that would be displaced by the proposed development.

Certified LCP Policy I.C.8 requires that existing public parking be protected. The City asserts that Lot M was permitted only as a temporary parking facility. That is not disputed, however, Lot M is currently providing needed public parking in the downtown area. Removal of Lot M would have a negative effect on the Downtown parking supply and on coastal access. Therefore, the 155 public parking spaces on Lot M shall be replaced as part of the proposed development. The 15 parking spaces at 1148 Morningside Drive shall also be replaced as part of the proposed development (Exhibit #3).

The proposed development must also provide at least 160 parking spaces to meet the shared parking demands of the proposed 63,850 square feet of proposed commercial uses on the project site. Part B of Section A.64.050 of the LCP Implementing ordinances does allow the use of a parking study to determine the amount of parking that would be necessary to meet the demands of a proposed project (if the parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table, and if the

probable long-term occupancy of the development will not generate additional parking demand). Section A.64.050 of the LCP Implementing ordinances does not limit the amount of the “shared parking reduction” as does Section A.64.040, which limits a similar type of reduction to fifteen percent of the number required by the parking table. Section A.64.050 allows an unlimited reduction in the amount of required parking if a parking survey/study confirms that the actual parking demand will be less than the total number required by the parking table.

Therefore, the Commission finds that the use of the parking study to estimate the proposed development’s parking requirements is consistent with the certified LCP, specifically Part B of Section A.64.050 (See Traffic Study for Proposed Civic Center/Metlox Development Project, Prepared by Crain & Associates, September 2000). Furthermore, the Commission finds that the probable long-term occupancy of the proposed development, based on its design, will not generate additional parking demand. Special Condition One ensures that any changes to the proposed development, including any change that could affect the parking supply and demand, must be submitted for review by the Executive Director and/or the Commission.

The total number of required parking spaces for the proposed development is 330 (160 spaces for the commercial component, 15 replacement spaces for 1148 Morningside Drive, and 155 replacement spaces for Lot M). The proposed number of parking spaces that exceed the total of 330 are surplus public parking spaces that will help to offset the City’s parking deficit that often occurs during the peak beach use period when large numbers of people and vehicles make Downtown Manhattan Beach their destination of choice. Therefore, the proposed project is consistent with the certified LCP policies that require the concentration of parking in the CD District to facilitate joint use opportunities (Policy I.C.10), and require the City to expand commercial district parking facilities to meet demand requirements (Policy I.C.1).

In regards to the surplus parking spaces, the City has stated its intent to possibly apply for a permit amendment for use of the parking surplus to satisfy the parking requirements of future commercial intensification on the project site up to the maximum 90,000 square feet of commercial uses originally anticipated by the Environmental Impact Report Civic Center/Metlox Development Project. The Commission will consider such an amendment request only if the city can demonstrate the any proposed commercial intensification or additions would not create adverse impacts to the Downtown parking supply. A parking study that shows the actual parking demand (not an estimate) generated by the approved and constructed Metlox development would be necessary before such a request is considered.

### **Parking Management Issues**

As stated above, certified LCP Policy I.C.1 requires the City to encourage the expansion of commercial district parking facilities to meet demand requirements. Policy I.C.2 of the certified Manhattan Beach LCP requires the City to maximize opportunities for using public parking areas for weekend beach use. Policy I.C.8 states that public parking shall be protected for public beach parking, and Policy I.C.10 states that parking in the CD District, where the proposed project is located, shall facilitate joint use opportunities. The proposed project will be consistent with these LCP policies only if the proposed parking facility is managed as a public parking facility that is available to the general public on a first-come, first served basis with no reserved parking or preferential parking.

In addition to meeting the parking demands of the proposed commercial uses, the primary public use met by the proposed 460-space public parking structure would be daytime parking for downtown merchants, employee and customer parking. Beach goers would also be served by the proposed facility. Because the proposed development is located on a hill four blocks inland of the beach and pier, beach goers would be expected to choose first to use the existing public facilities that are located closer to the water (Exhibit #7). These existing public parking spaces located closer to the shoreline would likely become more available when the proposed 460-space parking facility opens on the Metlox site.

In any case, Special Condition Four requires that the proposed 460-space public parking structure shall be open to the general public on a first-come, first served basis with no reserved parking or preferential parking. Only as conditioned does the proposed project conform to the provision of the certified Manhattan Beach LCP.

Also, the proposed facility shall be managed to ensure that the facility is open and available to the general public as required by the LCP and Special Condition Four. The City proposes to charge a fee for parking in the proposed 460-space facility, which is consistent with the operation of the City's existing public parking facilities. Such fee could be collected at the facility by parking meters, automated ticket machines, or by parking attendants. Special Condition Five (A) requires that identical parking rates shall be available to all users of the facility, except that customers of the inn may be granted free or validated parking during their entire stay in the inn as part of their paid accommodations. The fees charged for public parking shall be consistent with the hourly rates charged for parking in the downtown area, which range from \$0.50 to \$1.00 per hour.

The City also proposes to issue parking hangtags/parking permits in the 460-space facility consistent with a program approved pursuant to LCP implementing ordinance Sections A.64.060 and A.64.230, which state:

***A.64.230. Parking Management Program for the Coastal Zone.***

*A parking management program for lots shown on the accompanying diagram entitled "Section A.64.230: Downtown Business District Parking Facilities" shall be prepared by the Community Development Director for the purpose of demonstrating compliance with the Manhattan Beach Local Coastal Program, Access policies and the provisions of this Chapter. This program shall include:*

- 1. Provisions for use of Hang Tag parking permits in Lots 5 and 7, valid from 6:00 P.M. to 8:00 A.M. daily.*
- 2. Free parking in Lot 8.*
- 3. Overnight parking at Pier ("P") lots and El Porto Lots from 6:00 P.M. to 8:00 A.M. daily and 24 hour parking on weekends from October 1 through March 31, subject to City issued individual permits.*
- 4. Long term parking at rates no higher than charged at nearby public beach parking lots. If meters are present, the meters shall accept payment for time increments up to five (5) hours.*

5. *Appropriate and adequate signs, indicating public use of parking lots, including plot plan for location and placement of signs.*
6. *No parking spaces in Lots P, 7, or 8 may be leased to individuals or businesses.*

*This program shall be approved by coastal development permit pursuant to Chapter 2 of the Implementation Plan, Section A.96. Amendments to the approved program shall be accomplished in the same manner as specified in Chapter 2, §A.96.180. A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the Coastal Zone that change the availability of long and short term public parking, including, but not limited to changes in the operation of the City parking management program established in this section (§A.64.230). All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.*

**A.64.060. Parking in-lieu payments.**

*Within designated parking districts established by the City Council and shown on the map on the following page, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to accept a fee for more than 20 spaces, and then only with express approval by the City Council, based on a finding that adequate parking supply exists in the district structures to accommodate such additional parking spaces, and that the tendered payment represents the actual cost of construction of new parking spaces.*

*In establishing parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.*

*The following limitations apply:*

1. *Businesses may lease up to two spaces in the oversubscription program to meet City parking requirements.*
2. *A business may lease up to five total spaces in the oversubscription program, if available, but only two of the spaces may be used to meet required parking.*
3. *Businesses will be allowed to make in-lieu payments on an installment plan over a five year period at prime rate adjusted quarterly. The in-lieu parking fee shall be the actual construction cost of a space in an above ground parking structure, adjusted annually. The in-lieu fee is presently \$20,363 per space (October 1993).*
4. *Businesses proposing in-lieu fees to fulfill parking required under §A.64.020 and §A.64.030 of the Zoning Ordinance shall first provide evidence acceptable to the Board of Parking Place Commissioners that there is adequate additional under-used capacity within the structure or structures to accommodate the number of spaces proposed.*
5. *When total commercial development on the development site exceeds 10,000 square feet, no in-lieu fee shall be accepted unless additional parking is provided*

*within commercial parking structures in the parking district prior to occupancy of the structure.*

*In establishing parking districts, the City may set additional limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered so that the parking demand of the approved new development does not exceed the parking supply.*

Special Condition Five (B) requires that the general public shall have equal opportunity to participate in any parking permit system implemented in the subterranean public parking facility, and that no parking spaces shall be reserved for permit or hangtag holders. Also, no vehicle shall be parked within the subterranean public parking facility for longer than 24 hours at one time, except by customers of the inn during their paid visit. Only as conditioned is the proposed facility adequately protected for use by the public as required by the certified LCP.

The proposed project includes a 35 to 40-room inn. Overnight accommodations are preferred uses in the coastal zone because they increase opportunities for public shoreline access. Customers of the inn would need a place to park a vehicle while they stay in the inn. Stays in the inn could extend over several days or weeks. Therefore, the customers of the inn shall be granted special hangtags or permits which allow the inn customers to keep their vehicles in the subterranean public parking facility throughout their paid visit, including overnight parking. Any other proposed plan for overnight use of the subterranean public parking facility (except by customers of the inn) shall be submitted for the review and approval of the Executive Director. Such plan shall include appropriate enforcement mechanisms that will ensure that an adequate public parking supply will be available to meet the demands during daytime and evening hours. In addition to the requirements noted above, overnight parkers shall be required to remove their vehicle from the facility each morning. The permittee shall allow overnight parking only in accordance with the plan approved by the Executive Director pursuant to Special Condition Five (Parking Management).

In addition, customers of the inn may be granted free or validated parking throughout their entire stay in the inn as part of their paid accommodations. However, no other parking validation program is permitted by this action, as it could reduce the ability of the general public to access and use the facility. The City has requested the ability to apply for a parking validation program in the future, but currently has not planned for such a program and cannot explain the details of how such a program may work without conflicting with the provision of Special Condition Four that prohibits any preferential parking system. Therefore, Special Condition Five (E) states that any proposed parking validation system shall be submitted to the Commission as an amendment to this coastal development permit along with provisions to ensure consistency with the terms of this coastal development permit and the certified Manhattan Beach LCP.

### **Valet Parking**

The applicant proposes to allow valet parking within the proposed 460-space public parking facility. There is an issue of whether the proposed valet parking program is exclusionary and cost prohibitive for beach goers. This issue was addressed as part of Manhattan Beach Coastal Development Permit Appeal A5-MNB-99-453, where the Commission ultimately approved a valet parking program for the City of Manhattan Beach with conditions to protect

public access to public parking. The Commission found that, with proper safeguards to protect public access to public parking, a valet parking program could increase the amount of available parking in the City by utilizing private parking facilities for the storage of vehicles. The Commission did not permit the use of public parking spaces for parking by valets, and required that the valet parking program not include any type of discounted parking rates or parking validation system so that the same parking rates would apply to all patrons of the valet parking program (\$12.50 maximum per day).

In this case, the proposal involves the use of only public parking spaces. Special Condition Five (G) would allow valet parking within the proposed project subject to a valet parking plan reviewed and approved of the Executive Director with the following provisions: a) the valet parking plan shall not interfere with the general public's ability to self-park in the facility; b) the valet parking plan shall not grant any preference to the valet service for use of the 460 public parking spaces; c) any approved valet parking program shall be available to the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers); d) the hourly cost for utilizing the valet parking service shall be equal for all patrons of the valet parking program; and, e) discounted parking rates for valet parking service shall not be provided or obtained pursuant to any type of parking validation system or preferential system. Only as conditioned does the proposed project protect public access to the parking as required by the provisions of the certified Manhattan Beach LCP.

Special Condition Six requires the applicant to provide signs, as required by LCP Policies I.B.7 and I.C16, to direct the public to the subterranean public parking facility. The signage shall be visible from vehicles on Manhattan Beach Boulevard, Highland Avenue, and shall clearly state "Public Parking." Only as conditioned is the proposed project consistent with the provision of the certified Manhattan Beach LCP

### **Interim Parking Programs**

As proposed by the applicant, the proposed 460-space subterranean public parking structure will be available for use by the general public as soon as possible after completion of construction. The subterranean public parking structure will also be available for use by the general public during the construction of the buildings to be located on top of the parking structure, and during construction of the Public Safety Facility. Special Condition Seven (B) requires that the parking will be available for public use as soon as possible.

Special Condition Seven (A) requires the City to provide interim replacement parking (only during the daytime during the peak beach use period) for the 155-space Lot M during construction of the proposed 460-space subterranean parking structure on the Metlox (and Lot M) site. The provision of interim replacement parking will help to minimize the negative traffic and parking impacts that would occur during the peak beach use period after the 155-space public parking lot is closed and demolished to make way for the proposed project. The loss of the existing 155 public parking spaces would worsen the City's parking deficit that occurs during the peak beach use period, and could also worsen traffic as people drive around the downtown looking for a parking space.

Therefore, prior to displacement of the existing surface parking on the project site (Lot M), the applicant shall submit an interim public parking plan, for the review and approval of the Executive Director. The temporary replacement parking shall be provided for public use



during each day (7 a.m. to 8 p.m.) of the peak beach use period (start of Memorial Day weekend until September 30) each year until such time as the proposed 460-space subterranean public parking structure is made available for use by the general public. Existing public parking facilities that are already available for public use during these time periods shall not be used to satisfy this requirement for interim parking. If the interim public parking supply is located more than one thousand feet from the project site, the applicant shall provide a public shuttle service to transport people between the interim parking supply and the downtown. Such shuttle must make at least one complete circuit each hour. Only as conditioned is the public parking supply adequately provided and maintained as required by the policies of the certified LCP.

### **Traffic and Circulation**

Certified LCP Policy I.A.2 requires the City to encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access. Certified LCP Policy I.C.3 requires the City to encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system. The design of the proposed project is consistent with these LCP policies because a substantial amount of additional off-street parking is being provided for public use (460 spaces), and the ingress and egress of the vehicles using this new parking will not create inefficient traffic flow patterns.

The proposed 460-space parking facility has one entrance on Valley Drive, and one entrance and exit on Morningside Drive (Exhibit #3). A street-level drop-off for the inn is proposed on Valley Drive. Morningside Drive is proposed to be converted to a one-way street (northbound north of Manhattan Beach Blvd.). Valley Drive would be converted from a one-way southbound street to a two-way street on the northeast side of the project. A new street segment would be installed along the northwest side of the project (13<sup>th</sup> Street), with diagonal public parking spaces. The City states that all of the proposed street improvements were approved ) locally pursuant to Local Coastal Development Permit No. CA 02-01 (Civic Center/Public Safety Facility).

The Traffic Study for the proposed Civic Center/Metlox Development Project (Prepared by Crain & Associates, September 2000) concludes that the proposed traffic mitigation measures, including the street improvements described above, would reduce the project's traffic impacts. However, during busy summer days it is anticipated that the intersection of Manhattan Beach Boulevard and Valley Drive/Ardmore Avenue and the intersection of Highland Avenue and Manhattan Beach Boulevard will suffer Levels of Service (LOS) at E or F, whether the proposed project is built or not.

### **D. Control of Polluted Runoff**

The certified Manhattan Beach LCP contains the following policies to protect marine resources from the effects of polluted runoff.

***POLICY III.3: The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean. (Title 5, Chapter 5, Article 2; Chapter 8).***

***POLICY III.4:*** *The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse in the ocean or on beaches. (Title 12, Chapter 6).*

***POLICY III.7:*** *The City should continue to maintain enforcement codes for littering waters or shore. (Title 10 Public Health and Safety Code, Section 374.7).*

***POLICY III.8:*** *he City should continue to have programs to educate both staff and the public on the value and protection of the marine environment.*

The proposed development poses a potential source of pollution due to runoff from the restaurants, exposed surfaces, roofs and parking and trash areas that may be contaminated. Runoff from the site would enter the City's storm drain system and would be ultimately discharged into the marine environment. The discharge of polluted runoff into to coastal waters can cause cumulative adverse impacts to water quality, including eutrophication and anoxic conditions, which can result in:

- Fish kills, aquatic diseases, and the alteration of aquatic habitat, including adverse changes to species composition and size;
- Excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species;
- Disruptions to the reproductive cycle of aquatic species; and,
- Acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. In order to reduce the amount of polluted runoff that leaves the completed project, the applicant proposes the following mitigation measures:

- The drainage system for the proposed subterranean parking facility would be connected to the sanitary sewer system, with an oil separator to intercept hydrocarbons before they enter the sewer.
- The surface drains for the exposed outdoor surfaces of the above-ground development would include a CDS unit to intercept trash and sediment from runoff before it is directed into the City storm drain system that ultimately drains into the Pacific Ocean.
- The trash receptacle areas would be connected to the sanitary sewer system in order to keep the particulates, bacteria, metals, and toxics that frequently collect around trash receptacles out of the City storm drain system that ultimately drains into the Pacific Ocean.

- The trash receptacle areas also would have a canopy/roof to keep stormwater away from the trash areas.
- Restaurants have grease traps to intercept grease before it enters and clogs the sanitary sewer.

Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean. As proposed, the project does not adequately protect marine resources from polluted runoff. The proposed project does not include the following mitigation measures which the Commission requires in order to reduce the amount of polluted runoff that leaves the completed project:

- Filters in the drainage system for the above-ground development, including roof drains, to intercept fine particles, toxins, pesticides, and grease, especially from loading and wash down areas, from runoff before it is directed into the City storm drain system that ultimately drains into the Pacific Ocean.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, Special Condition Ten requires the applicant to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site. The applicant is required to submit, for approval by the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site prepared by a licensed water quality professional. The required WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site.

Critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP) is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

The Commission notes that BMPs are very new in design and some are still in the experimental stage and the applicant may determine that another method is more effective after the completion of the project. A key factor in the continued effectiveness of structural BMPs is regular and adequate maintenance and monitoring of the implemented system. Also, by implementing a monitoring program the applicant can ensure that the proper type and design of BMPs were selected to comply with the Water Quality Management Plan. Therefore, all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry

season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner.

As conditioned, the proposed project is consistent with the certified LCP and past Commission action with regards to water quality requirements and will minimize water quality impacts.

### **Construction Impacts to Water Quality**

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition Nine outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition Nine requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. This condition also requires the applicant to submit a Construction Best Management Practice Plan for the project, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. As conditioned, the proposed project is consistent with the certified LCP and past Commission action with regards to water quality requirements and will minimize water quality impacts.

### **E. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Manhattan Beach certified LCP. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.